

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MATHEW L. WILLIAMS,
Plaintiff,
v.
JEREMY BEAN, et al.,
Defendants.

Case No.: 2:24-cv-01034-RFB-MDC

ORDER
(ECF No. 5)

1. DISCUSSION

On June 5, 2024, the Court issued an order denying Plaintiff's incomplete application to proceed *in forma pauperis* and directing Plaintiff to file a complete application, including a financial certificate and an inmate trust fund account statement for the previous six-month period. (ECF No. 3). Plaintiff filed the required documents, as well as a motion for reconsideration. (ECF Nos. 4, 5).

A motion to reconsider must set forth "some valid reason why the court should reconsider its prior decision" and set "forth facts or law of a strongly convincing nature to persuade the court to reverse its prior decision." *Frasure v. United States*, 256 F.Supp.2d 1180, 1183 (D. Nev. 2003). Reconsideration is appropriate if this Court "(1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law." *Sch. Dist. No. 1J v. Acands, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). "A motion for reconsideration is not an avenue to re-litigate the same issues and arguments upon which the court already has ruled." *Brown v. Kinross Gold, U.S.A.*, 378 F.Supp.2d 1280, 1288 (D. Nev. 2005).

In his motion, Plaintiff states that he filed the necessary documents the same day that he received the Court's order and that it would cause an undue delay to require him to start all over again and acquire new documentation from scratch. (ECF No. 5 at 2). But the Court's order does not require that Plaintiff file a new financial certificate and a

1 new inmate trust fund account statement for the previous six-month period. The Court's
2 order only requires that Plaintiff file all the necessary documents for a complete
3 application to proceed *in forma pauperis*, which Plaintiff has now done. Although Plaintiff
4 filed his application to proceed *in forma pauperis* separately from his financial
5 documentation, the Court now considers Plaintiff's application to proceed *in forma*
6 *pauperis* complete and will consider the merits of the application at the appropriate time.

7 **II. CONCLUSION**

8 It is therefore ordered that the Court considers Plaintiff's application to proceed *in*
9 *forma pauperis* (ECF No. 1) complete, and the Court will consider the merits of application
10 at the appropriate time.

11 It is further ordered that Plaintiff's motion for reconsideration (ECF No. 5) is
12 DENIED as moot.

13 DATED THIS 28th day of June 2024.

14
15
16 UNITED STATES MAGISTRATE JUDGE
17
18
19
20
21
22
23
24
25
26
27
28